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THREE TESTIFY IN TOBACCO SUIT

Tell of Research Involving Cigarettes Use

Three expert witnesses testified Wednesday in federal district court about research they have conducted in connection with cigarette smoking and its possible effects on the human lungs and vocal cords.

The testimony was given in a suit in which a Houston widow is seeking damages from two tobacco companies on the grounds that her husband's death from cancer of the lung and vocal cords was caused by his cigarette smoking.

Those who testified Wednesday included Dr. Jacob Fitelson, a New York consulting analytical chemist; Dr. B. L. Van Duuren, assistant professor of industrial medicine at New York university who has been conducting research on the relationship of smoking to cancer for the past five years under the sponsorship of the American Cancer Society, and Dr. John R. McDonald, Detroit pathologist and professor of pathology at Wayne State university.

BEGAN SMOKING IN 1899

The suit on trial was brought by Mrs. Victoria St. Pierre Lartigue, formerly of Franklin and now a resident of Houston. She claims that her husband began smoking in 1899 and smoked two packages of cigarettes a day until he died of cancer in July, 1955. She is represented by H. Alva Brumfield of Baton Rouge and New Orleans, and Melvin M. Belli of San Francisco.

Defendants are the R. J. Reynolds Tobacco Company and the Liggett and Myers Tobacco Company. The Reynolds firm is represented by the New Orleans legal firm of Chaffe, McCall, Phillips, Burke and Hopkins in association with the New York firm of Davis, Polk, Wardwell, Sunderland and Kiendl. Liggett and Myers is represented by the firm of Lemle and Kelleher of New Orleans, and Webster, Sheffield and Chrystie of New York.

The first witness called by the attorneys for the plaintiff was Dr. Fitelson. He testified that he has specialized in testing food, drugs and cigarettes.

He told the jury that in March, 1958, he tested samples of King Bee tobacco and Picayune and Camel cigarettes submitted to him by Brumfield and measured their nicotine and tar content.

TELLS RESULT OF TESTS

Dr. Fitelson testified that the cigarettes were tested by a semi-automatic machine intended to duplicate the habits of the average smoker and that the brown residue which was left in a condensing chamber of the machine was tested for the tar and nicotine.

The chemist testified that the nicotine content in the Camel cigarettes tested was measured at 2.48 milligrams per cigarette, in the Picayune cigarettes it was 2.69 milligrams, and in the King Bee tobacco which was rolled into cigarettes it was found to be 4.42 milligrams per cigarette.

He said that the tar content of the Camels was 27.7 milligrams, the Picayunes, 27.1 milligrams, and in the cigarettes made with the King Bee, 36.3 milligrams.

On cross examination by Frederick Haas, on of the defense attorneys, Dr. Fitelson said that the condensing chamber of the machine used in the testing contained acid and that the smoke was allowed to settle and then washed with hot alcohol and water. The final solution, he said, was allowed to cool to room temperature.

NO 'ACCORDION ACTION'

Under questioning by Haas, the chemist admitted that there might be a slight chemical change in the cooling process. He said that the residue was never kept more than one day before being tested.

The witness said that the machine used in the testing had no "accordion action" like the human lung and was not an exact duplicate of human smoking.

In answer to a question by Theodore Kiendl, another defense attorney, the chemist testified that he knew nothing of the Lartigue suit when he made the tests.

On re-direct examination by Brumfield, the witness estimated that there were 20 drops of nicotine in each package of cigarettes.

Dr. Van Duuren followed the first witness to the stand and was examined by Belli.

OBJECTION SUSTAINED

He stated that he is an organic chemist and has written works which have been published by the United States department of public health as a result of his work for the National Cancer Institute.

Dr. Van Duuren testified that his work has been in the isolating and identifying certain compounds found in cigarette smoke and that during his research he has smoked five different brands, including Camels, in a semi-automatic machine.

When the witness testified that he tested all five brands together, Harry McCall Jr., a defense attorney, objeced to the inclusion of any testimony from the witness relating to any brands but Camels. The objection was sustained by the court. The court, however, did allow testimony on the production of tars from organic matter in general.

Dr. Van Duuren told the jury that a residual tar is found in the smoke of any tobacco and that "carcinogenic material" is obtained from all forms of tobacco smoke.

He described that material as "any compound which has given any carcinogenic reaction on animals."

DEFENSE OVERRULED

Defense attorneys argued at length that testimony concerning the results of animal cancer studies should not be allowed in the trial. But the objection was overruled by Judge Christenberry, who cautioned the jury that such testimony was being admitted only for its probative value. He told the jury to keep in mind that these materials might well have different effects on humans.

The witness testified that he worked with biologists and saw the results of the painting of some of these carcinogenic compounds on the backs of mice. "I saw what the biologists called tumors. I saw growths—sores," the witness said.

On cross examination by Haas, the witness said that he reported none of his work prior to the death of Lartigue. He testified that with respect to animals, none of his work was published until September, 1958, and prior tests had been negative.

After the noon recess the plaintiff's attorneys called Dr. McDonald to the stand. He testified that he has worked on lungs since 1933 and has published over 300 articles, many of them dealing with lung cancer.

LINKS CANCER, SMOKING

He testified that he has studied groups of smokers and nonsmokers. He explained that he has determined that the epithelium lining of the bronchial tubes in smokers becomes smaller, and a lining of the tubes which normally act to sweep out impurities becomes paralyzed and ultimately disappears. Cancerous growths then develop, he said.

These changes, the pathologist said, do not appear in nonsmokers. He testified that the lung membranes of smokers become hard, thicken and undergo pre-cancerous changes.

The witness told the jury that he has never seen a "squamous cell" cancer in the lung of a non-smoker. Under questioning by Judge Christenberry, the witness said that there are several other types of lung cancer, but the one he referred to was found in smokers' lungs.

He said that he is of the opinion that there is a causal effect relationship between this type of cancer and smoking.

SQUAMOUS TYPE SHOWN

Dr. McDonald testified that he had examined the slide made by the pathologist who performed the autopsy on the body of Lartigue and he had squamous type cancers of the lungs and vocal cords.

From looking at the slides, he testified, he was able to determine that Lartigue was a heavy smoker.

The witness was shown a series of lantern slides of tissues taken from three individuals which he had never seen before and he identified one as being the tissue of a non-smoker, another as the tissue of a person who "undoubtedly smoked," which he described as being in a "pre pre-cancerous stage," and a third which he said was probably the tissue of a person who smoked more than one package of cigarettes a day and which he said was closer to the cancerous stage.

Under cross-examination by Kiendl, Dr. McDonald said that of the more than 300 articles he wrote about cancer, only one discussed the causal relationship between smoking and lung cancer and was published in 1956.

ARTICLES DISCUSSED

He said that in 1955 he published one article dealing with the relationship between throat cancer and smoking. He said, however, that his opinion on the causal relationship has been entertained since his studies started in 1954.

Kiendl produced four articles written by Dr. McDonald and asked him if that opinion was expressed in these articles. The witness said that it was in two of the articles and contended that it was "implied" in the others. "It was not stated as clearly, it was sort of implied in the background, possibly deeper than it should have been," he asserted.

At the conclusion of his testimony, Dr. McDonald said that he smoked cigarettes until eight years ago, then "become convinced."

The trial will be resumed at 10 a. m. Thursday.

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